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*ATTORNEYS FOR DENNIS BUSS, et al.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

IN RE:  McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC.,  Debtors.	Case No. 23-20084-rlj Chapter No. 7  Jointly Administered
RABO AGRIFINANCE, LLC  Plaintiff  v.  ACEY LIVESTOCK, LLC, et al  Defendants	ADV. PROC. NO. 23-02005-RLJ

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**LIMITED OBJECTION TO MOTION FOR PARTIAL SUMMARY JUDGMENT BY  
DEFENDANTS, ACEY LIVESTOCK, LLC; BARRETT'S LIVESTOCK, INC.; AND DON  
RALPH BARRETT, ON FIRST PHASE ISSUES**

Come now *DENNIS BUSS, BUSS FAMILY TRUST, EDDIE BRYANT, ROBERT E. GRAY, RONNIE GRAY, GRAY BROTHERS, CRAIG SUTTON, AMY SUTTON, STEVE RYAN, JANICE LAWHON, AJ JACQUES LIVING TRUST, GUNGOLL CATTLE, LLC, LEAH GUNGOLL, MORRISON CAFÉ, LLC, GARY LESH, JAN LESH, LESH FAMILY TRUST, JARED LESH,*

*JORDAN LESH, LLC, JOEL BROOKSHIRE, GENE BROOKSHIRE FAMILY, LP, DOUGLAS FINLEY, SCARLET AND BLACK CATTLE, LLC, BRYAN BLACKMAN, STEVE T SCOTT FARM, INC., SCOTT LIVESTOCK COMPANY, INC., ARNOLD BRAUN TRUST, ROBERT BRAUN, JIM RININGER, ROBERT SPRING, MICHAEL EVANS, MIRANDA EVANS, CHARLES LOCKWOOD, COLE LOCKWOOD, SHERLE LOCKWOOD, NIKKI LOCKWOOD, LYNDAL VAN BUSKIRK, JANET VAN BUSKIRK, COLBY VAN BUSKIRK, SUSAN VAN BUSKIRK, JIMMY GREER, DUSTIN JOHNSON AND DORA BLACKMAN* (“Intervenors”) joined by AgTexas Farm Credit Services, AgTexas PCA, and Thorlakson Diamond T. Feeders, LP (“Plaintiffs”) and file this Limited Objection to the Motion for Partial Summary Judgment by Defendants, Acey Livestock, LLC; Michael Acey; Barrett’s Livestock, Inc.; and Don Ralph Barrett (“Accey Defendants”), on First Phase Issues [ECF 217] and would show as follows:

1. Intervenors and Plaintiffs believe they, like the Acey Defendants, hold perfected interests in the livestock sale proceeds made subject of the Acey Defendants’ Motion for Partial Summary Judgment.
2. Because multiple parties hold interests in the subject livestock sale proceeds, Intervenors and Plaintiffs respectfully request the Court, should it be inclined to grant the Acey Defendants’ motion, withhold disbursement of the subject livestock sale proceeds until such time as all additional interests can be ascertained and adjudicated.
3. If ultimately, the Acey Defendants are entitled to a portion of the livestock sale proceeds, they would share only *pro rata* alongside Intervenors and Plaintiffs. *In re Gotham Provision Co.*, 669 F.2d 1000, 1010 (5th Cir. 1982) (holding that sale proceeds are held in a pool in trust for benefit of all with a perfected interest). Until the proper *pro rata* amounts can be determined with specificity, the Court should not allow distribution of the funds.

Respectfully submitted,

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/s/ John Massouh

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-And-

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By: /s/ Abel A. Leal  
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T FEEDERS, LP, AGTEXAS FARM CREDIT  
SERVICES AND AGTEXAS PCA

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via electronic and/or U.S. Mail on January 8, 2025, upon all parties entitled to such notice as provided by the ECF filing system.

/s/ John Massouh

John Massouh

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